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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,737	04/11/2001	Karl Forster	38394.0100	3464

7590

03/26/2003

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EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 03/26/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

SA

Office Action Summary

Application No.

09/832,737

Applicant(s)

FORSTER, KARL

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claim 1-32 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/11/01. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kucala (US. Patent No. 5,243,705) in view of Drapper et al. (US. Patent No. 5,924,096)

Regarding on claims 1, 13 and 21, ^{Kucala}~~Galipeau~~ teaches a computer, a method for protecting a target file located at a target location, comprising the step of:

Generating an archive (backup directory) having an archive file (backup calendar file) (col. 3, lines 24-28);

Automatically synchronization (synchronization) the target file to match the archive file (col. 3, lines 29-31);

Periodically comparing the target file to the archive file (col. 4, lines 9-14); and

Kucala does not explicitly teach updating the target file according to the comparison such that the target file is identical to the archive file. However, Drapper teaches, "the synchronization method send a lists of cached database object identifiers and corresponding timestamps or sequence numbers from the caching node to a master node which holds a master replica. The master node compares this list with the list of objects in the master replica, compares the timestamps of objects found in both

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replicas, and then uses a physical update log to generate a list of update operation" (col. 1, lines 56-62). This teaches the after comparing these file are identical and then updating the data. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to combine the teaching of Drapper and Kucala because comparing the file identification and the timestamps would allow the system to update the corrected file and the most recent version of file.

Regarding on claims 2, 14, and 22, Kucala teaches the archive comprises at least one file collection (backup directory) having the archive file (backup calendar file) (col. 3, lines 26-26).

Regarding on claims 3, 15, and 23, Kucala teaches the file collection comprises a current portion and a revision portion (col. 3, lines 32-35).

Regarding on claims 4, 16, and 24, Kucala teaches the revisions portion comprises at least one sub-division (records), wherein each sub-division represents a different revision of the archive file (different records) (col. 3, lines 29-32).

Regarding on claims 5 and 25, Kucala teaches the step of republishing the target file at the target location using a selected revision (col. 4, lines 19-21).

Regarding on claims 6, 17 and 26, Kucala teaches the archive further comprises a folder (backup directory) (col. 3, line 28).

Regarding on claims 7 and 27, Kucala teaches the target file has a first set of associated file statistic and the archive file has a second set of associated file statistics (file name), and wherein the step of periodically comparing comprises comparing the first set of associated file statistics to the second set of associated file statistic (col. 5, lines 40-41).

Regarding on claims 8 and 28, Kucala teaches the step of periodically comparing comprises comparing a content of the target file to a content of the archive file (col. 6, lines 4, lines 17-19).

Regarding on claims 9, 18, and 29, Kucala teaches the archive file comprises a web site file (calendar file) (col. 3, lines 1-2)

Regarding on claims 10 and 19, Kucala teaches updating (modifying) the archive file of the archive (col. 3, lines 10-13);

Updating an update queue, wherein the update queue stores update information relating to the target file according to the update information in the update queue (col. 3, lines 10-12).

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Regarding on claims 11 and 31, Kucala teaches the step of synchronization the target file to the archive file according to the update information in the update queue (col. 4, lines 5-10).

Regarding on claims 12 and 32, Kucala teaches moving the target file from the target location to quarantine area (palm top) if the step of comparing indicate that the target file differs from the archive file (col. 2, lines 3-7); and

Copying (synchronizing) the archive file from the archive to target file at the target location to synchronize the target location with the archive (col. 4, lines 19-21).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Helmer et al.	(US. Patent No. 4,411,991)	Date: 06/25/2002
Midgley et al.	(US. Patent No. 6,460,055)	Date: 01/01/2002
Carter et al.	(US. Patent No. 5,987,506)	Date: 11/16/1999

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
March 21, 2003


SHAHID AL ALAM
PATENT EXAMINER